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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 11 08 AM 11 29

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jordan DIAZ-Perez,

Defendant

) Magistrate Docket No. 08-11-00011
)
)
)
) COMPLAINT FOR VIOLATION OF:
) DEPUTY
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008**, within the Southern District of California, defendant, **Jordan DIAZ-Perez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Ismael A. Canto

SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF APRIL 2008.

Barbara L. Major
Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jordan DIAZ-Perez****PROBABLE CAUSE STATEMENT**

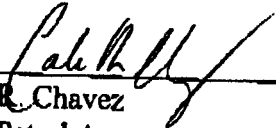
I declare under the penalty of perjury that the following statement is true and correct:

On April 12, 2008, Supervisory Border Patrol Agent G. Miranda was performing Border Patrol duties in an area known as "Smuggler's Canyon." This area is approximately four miles west of the San Ysidro, California, Port of Entry and is approximately a hundred yards north of the United States / Mexico International Boundary Fence. Smuggler's Canyon is notoriously used by undocumented immigrants to further their illegal entry into the United States.

At approximately 1:25 P.M., Border Patrol dispatch advised via service radio of seismic device activation in Smuggler's Canyon. Agent Miranda responded north of the reported location and observed one individual, who was later identified as the defendant **Jordan DIAZ-Perez** walking out of the brush. Agent Miranda immediately identified himself as a United States Border Patrol Agent and questioned the defendant as to his citizenship and nationality. The defendant freely admitted that he is a Mexican citizen and national without any immigration documentation permitting him to enter or remain in the United States legally. After searching the area in detail with the assistance of additional Border Patrol Agents no other individuals were found. At approximately 1:35 the defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on April 04, 2008, through San Ysidro. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 13, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 12, 2008, in violation of Title 8, United States Code, Section 1326.


Barbara L. Major
United States Magistrate Judge

4/13/08 at 9:40am
Date/Time